

REMARKS/ARGUMENTS

Claims 23-35 and 44-46 were rejected as anticipated by WEIL 5,617,900 and claims 30 and 35 were rejected as unpatentable over WEIL in view of ROCKNEY et al. 5,660,899. These claims have been canceled and replaced with new claims 47-49 and reconsideration and withdrawal of the rejection are respectfully requested.

The new claims are directed to a thermal protection sheath that includes a tubular substrate that has an exterior surface with a plurality of recesses therein, where the substrate is longitudinally and radially elastically deformable between a relaxed configuration and an expanded configuration in which a length and a radius of said substrate are larger than in the relaxed configuration. A reflective foil is fixed to the substrate and contacts the exterior surface only intermittently so as to form air pockets. The foil is arranged on the substrate to have a plurality of indentations that correspond to the plurality of recesses when the substrate is in the relaxed configuration and that disappear when the substrate is elastically deformed to permit the substrate to assume the expanded configuration. The dependent claims define the particular embodiments of Figure 5 (claim 48) and Figure 3 (claim 49).

The applied references do not disclose or suggest a foil that is arranged on the substrate to have a plurality of

indentations that correspond to the plurality of recesses when the substrate is in the relaxed configuration and that disappear when the substrate is elastically deformed to permit the substrate to assume the expanded configuration and thus the new claims avoid the rejections of record.

WEIL discloses a foil 30 on a substrate 20 that has recesses therein. However, the foil is smooth when the substrate is in the relaxed configuration, as is apparent from Figures 2 and 3 of WEIL. WEIL states that the foil is thin and pliable and conforms to deformations of the substrate 20 without hindering the resilient restitution of the substrate to its original shape (column 3, lines 30-36). A reasonable interpretation of this is that the foil conforms to deformations of the substrate from the position shown in the drawings; that is, a position where the foil is smooth and without deformations. Thus, the substrate can be deformed by bending or by decreasing its size and the foil will conform to these deformations. However, the sheath shown in WEIL cannot be elastically deformed to an expanded configuration because the foil cannot expand any farther. It is already smooth in the relaxed configuration shown in Figures 2 and 3. It does not have the indentations claimed herein that disappear and thereby permit the substrate to assume the expanded configuration. The sheath in WEIL cannot be expanded at all from the relaxed configuration shown in Figures 2 and 3 (the foil

prevents it) and thus the new claims are patentably distinguishable.

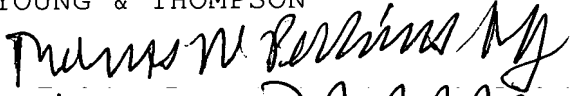
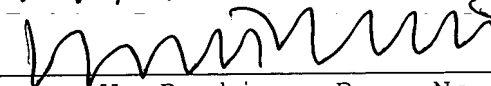
New claim 48 is also believed to be distinguishable because the references do not disclose the corrugated tube and the recesses that are annular depressions, where the air pockets are in the annular depressions between the foil and the corrugated tube. This feature is missing from the references and thus claim 48 is patentable regardless of the patentability of claim 47.

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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